

REISSUE APPLICATION DECLARATION BY THE INVENTOR

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,990,046, granted November 23, 1999, and for which a reissue patent is sought on the invention entitled HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID AND DIKETONE OR TRIKETONE HERBICIDES the specification of which

- ☒ is attached hereto.
- ☐ was filed on ___ as reissue application number ___ ;
and was amended on ___ if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

The issued patent 5,990,046 is partly inoperative because Applicants claimed less than they had a right to claim, thereby jeopardizing the complete scope of protection available for the invention as originally disclosed and described in the patent. For example, in issued Claims 2 and 6, Applicants claimed less than they had a right to claim by claiming the combination of dimethenamid, a triketone or dione herbicide and a triazine herbicide without including claims to the combination of dimethenamid and either a triketone or dione herbicide or a triazine herbicide. In addition, Applicants claimed less than they had a right to claim by claiming the weight ratio in Claim 1 and the application rate in Claim 3. In contrast to the issued claims, the newly presented claims correct this error by claiming the combination of dimethenamid and a second herbicide selected from the group consisting of a triketone or dione herbicide and a triazine herbicide and by not requiring a particular weight ratio or application rate.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the practitioners associated with the Customer

Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

Customer Number 00826

Please direct telephone calls to the attention of:

Andrew T. Meunier
Registration No. 40,726
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name) John M. Fenderson

Inventor's signature _____ Date _____
Residence Kiowa, KS
Citizenship United States
Mailing Address 902 Hardtner Street
Box 47
Kiowa, KS 67070

Full name of second joint inventor (given name, family name) William B. O'Neal

Inventor's Signature _____ Date _____
Residence Research Triangle Park, NC
Citizenship United States
Mailing Address BASF Corporation
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709-3528

Full name of third joint inventor (given name, family name) Théo Quaghebeur

Inventor's Signature _____ Date _____

Residence Saint-Symphorien, Belgium

Citizenship Belgium

Mailing Address Rue des Résistants 54
B-7030 Saint-Symphorien
Belgium

Full name of fourth joint inventor (given name, family name) Karl-Christoph Schumm

Inventor's Signature _____ Date _____

Residence Campinas, Brazil

Citizenship Germany

Mailing Address Rua Paraguacu, 74
13.044-230 Campinas - 5P
Brazil

Full name of fifth joint inventor (given name, family name) Walter Van Loocke

Inventor's Signature _____ Date _____

Residence Meetkerke, Belgium

Citizenship Belgium

Mailing Address Heerweg 10
B-8377 Meetkerke
Belgium

#4507647v1